

HEARING RE: ALGONQUIN GAS/ISLANDER EAST  
AUGUST 5, 2003

1 Denhardt, Third Selectman of Branford.

2 MR. RICK GOODWIN: Good evening. I'm the  
3 Republican Town Chairman here in Branford. And my name is  
4 Rick Goodwin, I live at 43 Linden Avenue.

5 You've heard a lot of testimony so far from  
6 people that are pretty impressive. I want to use a  
7 different factor. I want to use the cute factor. This is  
8 a seal that comes right here in Branford and this was  
9 taken at Outer Island about a year ago. FERC and the  
10 people that work with them said that they don't need to  
11 get any permits for the issue surrounding the Marine  
12 Mammal Act of 1972 because they said, there's no seals  
13 here. Well, guess what? They're here.

14 We had industry that is based on taking  
15 tourists around and showing them these wonderful animals  
16 that are here basically from the middle of September  
17 through somewhere around May 1<sup>st</sup>. In any case, I hope that  
18 you will deny this permit. This just one of the animals  
19 that will be effected by this. Obviously, there'll be a  
20 heck of a lot more. Thank you for coming and do the right  
21 thing.

22 MODERATOR ROSENBERG: Thank you sir. Next  
23 speaker, Robert Demaerot, Third Selectman, Branford will  
24 be followed by Carl Balestracci.

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1 MR. ROBERT DENHARDT: Thank you. My name  
2 is Robert Denhardt. I live at 26 Wildwood Drive. I'm the  
3 First Selectman in the town of Branford.

4 There are several things that concern me  
5 about the Islander East proposal. A pretty basic one  
6 however is safety. We're running a pipeline parallel to,  
7 or close to the proximity of a railroad track. I've seen  
8 nothing that shows the potential hazard of a railroad  
9 track and a pipeline adjacent to each other.

10 They run the pipeline right next to, or  
11 right close to the Whitewood School, again another hazard  
12 or safety thing, which concerns me very much. The  
13 environmental issue has been covered very completely by  
14 other speakers so far today.

15 The third thing that concerns me is I have  
16 never seen anything that Islander East has done to show me  
17 anything different. They have not done anything as far as  
18 drilling through Stony Creek granite to run their pipe.  
19 The only comment I got the last time I brought this  
20 question up was, well, if we can't run through the granite  
21 then we'll go ahead and do the other measure, which is  
22 dredging. Either way we're going to, you know, create a  
23 lot of problems. But until they can prove to me that they  
24 can run that pipeline down through Stony Creek granite and

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1       then do their other drilling without any deformation to  
2       beds and so forth, I am completely opposed to this  
3       project. And I appreciate your deep consideration towards  
4       lack of approval. Thank you.

5                       MODERATOR ROSENBERG: Thank you sir. Next  
6       speaker Donald Balestracci, First Selectman town of  
7       Guilford followed by Vincent Candelora.

8                       COURT REPORTER: Can you spell your last  
9       name?

10                      MR. DONALD BALESTRACCI: Good evening. My  
11       name is Donald (applause and laughter). Most people just  
12       call me Mr. B. or (indiscernible) and I am your First  
13       Selectman of Guilford. I'm here tonight as the First  
14       Selectmen representing Branford's neighbors, the people of  
15       Guilford. This issue is not Branford's, but one which all  
16       the people of Connecticut are vitally concerned.

17                      From Greenwich to Stonington our people  
18       have asked for a very simple process to be followed. We  
19       have asked our Legislature and they have almost  
20       unanimously supported us in enacting a moratorium until  
21       the following can be provided. We want a needs assessment  
22       of the total amount and number of power lines, gas,  
23       electric and any others that would satisfactorily serve  
24       both the people of Long Island and Connecticut.

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1                   Two, we would like a plan developed that  
2                   would provide the least number of pipelines to provide the  
3                   necessary power that will have a minimal impact on our  
4                   environment and our natural resources. We understand that  
5                   the Army Corps has been requested to review this pipeline  
6                   proposal yet again, by the highest echelons of our Federal  
7                   government. We fully understand the awesome specter of  
8                   that request and the impact it has upon your Department,  
9                   but we ask you to join us in preserving the integrity of  
10                  our water, our land and our natural resources.

11                  We ask you to do this not just for us, but  
12                  for the next generation and those that will follow. Not  
13                  for the next election, but for the future of us all.  
14                  Thank you.

15                  MODERATOR ROSENBERG: Thank you sir. Next  
16                  speaker is Vincent Candelora.

17                  MR. VINCENT CANDELORA: Vincent Candelora,  
18                  Town Council, town of North Branford. On behalf of the  
19                  town of North Branford I wish to congratulate the Corps in  
20                  exercising leadership by standing (indiscernible) of their  
21                  review in assessing the wider environmental impact of this  
22                  project.

23                  We asked for this hearing to evaluate the  
24                  impacts to water qualities, water supply, environmental

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1 wetlands and the welfare of the people of North Branford.

2 While inland from the Long Island Sound,  
3 part of Islander East North Branford crosses in areas of  
4 significant secondary impacts. The pipeline is proposed  
5 to cross and disturb an area of pre-existing groundwater  
6 contamination with the presence of PCE. Connecticut's  
7 Department of Health has determined that exposure to  
8 groundwater contaminated with PCE can cause liver or  
9 kidney damage.

10 The Connecticut Department of Environmental  
11 Protection was so concerned by this contamination that a  
12 few years ago they had Ridgeville Associates as a  
13 consultant to assess the site. Ridgeville Associates  
14 advised against further disturbance or testing of the  
15 contaminated site to prevent the spread of a pollution  
16 foam and documenting the PCE's that was in question. By  
17 disturbing the pollution foam Islander East wants to risk  
18 its impacting local potable water supplies and reaching  
19 Long Island Sound from North Branford through a series of  
20 (indiscernible).

21 Even amongst the presence of the  
22 underground pollution foam outlined by Islander East can  
23 upset the delicate balance of water flow to private wells  
24 that many of our residents enjoy. Further, if the

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1 proposed project crosses this designated watershed for the  
2 South Central Regional Water Authority. The project will  
3 also prove detrimental to Cedar Pond and downstream  
4 Lindsey Pond, which possess unique environmental  
5 characteristics as it's identified by the State of  
6 Connecticut's National Diversity Database.

7 In summary, as proposed this entire project  
8 suffers from poor planning and we are afraid it will also  
9 result in poor public policy that proves no benefit to our  
10 community or the State of Connecticut. It is clear that  
11 this project destroys the natural resources of this area,  
12 is not environmentally sound and runs counter to the  
13 environmental preservation and conservation policies of  
14 the town and the State of Connecticut.

15 Expressed more simply, we view this project  
16 as a project developed -- excuse me, we view this project  
17 as a development by mandate and not by design.

18 MODERATOR ROSENBERG: Thank you sir. Next  
19 speaker, John Lust, Branford Town Planning and Zoning  
20 Office. He'll be followed by John Opie, Branford RTM,  
21 Second District.

22 MR. JOHN LUST: Good evening. My name is  
23 John Lust. I'm Planning and Zoning Commissioner and I'm  
24 current Chair of Branford's Blue Ribbon Committee to study

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1       this pipeline. The town enjoys an open channel of  
2       communication with your Agency and we appreciate that.  
3       I'll be brief.

4                       Two items I'd like to address tonight. The  
5       first is allowing Applicants to use best case modeling in  
6       their applications. I'd like to think that we've learned  
7       that this doesn't work looking at Iroquois and now looking  
8       at the HUB Line Project. The HUB Line Project I believe  
9       was supposed to be done in May and it's still ongoing. I  
10      don't have to tell you the problems that they've incurred.

11      Islander East is using the winter of 2001-2002 as a  
12      model. That's obviously atypical and can't be relied on  
13      to duplicate itself when this pipeline is proposed to go  
14      through.

15                      Secondly, I'd like to address Islander's  
16      most recent modification to their application. The  
17      shallow burying technique with riprap overlay just is not  
18      a good idea. It puts the pipeline much too close to the  
19      surface. The riprap covering totally destroys acres of  
20      productive ethnic (phonetic) area. And it -- because of  
21      that it'll interrupt any commercial shellfishing activity  
22      in the area. This particular area happens to be recently  
23      approved as Branford's commercial shellfishing area and so  
24      it's going to displace the water-dependent use. It's

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1 going to permanently destroy that area of the Sound and  
2 it's going to present navigational hazards as  
3 shellfishermen try and manipulate their way around area  
4 with their raking and dredging rigs.

5 Thank you very much.

6 MODERATOR ROSENBERG: Thank you sir. Next  
7 speaker, John Opie, followed by Chris Sullivan, Branford  
8 Conservation Environmental Commission.

9 MR. JOHN OPIE: Good evening. My name is  
10 John Opie and I live at number 15 Buena Vista Road in  
11 Stony Creek, among some of that aforementioned Stony Creek  
12 granite.

13 I'd like to voice my opposition to the  
14 Islander East Pipeline proposal as a Branford resident and  
15 as an RTM representative from the Second District through  
16 which the project would run. I'm neither an environmental  
17 expert nor civil engineer, but my objections are based  
18 solely on common sense and logic. I submit to you that  
19 the Islander East project as proposed is entirely based on  
20 corporate greed and not civic need.

21 I fully comprehend and appreciate the  
22 concept and need for sharing of our energy resources  
23 through a distribution grid system. I'm sure that the  
24 town of Branford and the State of Connecticut will always



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1 be willing participants when the need justifies the  
2 sacrifice. In the case of Islander East the civic need  
3 has not been proven to balance the environmental havoc it  
4 will cause.

5 This past winter was about as severe as  
6 winters get in New England. If there were real need for  
7 more of natural gas on Long Island the evening news would  
8 have carried stories of residents facing energy-related  
9 hardships rather than commercial advertisements extolling  
10 the virtues of modern gas heat and encouraging oil  
11 customers to convert.

12 If improvements are in fact needed to the  
13 distribution system a far more sensible solution would be  
14 the mid-Sound linkage to the Iroquois system. While the  
15 corporate profits of Duke Energy and Keyspan may be  
16 somewhat less than hoped by their management, the mission  
17 will be accomplished and the majority of environmental  
18 destruction will be avoided. Thank you.

19 MODERATOR ROSENBERG: Thank you sir. Next  
20 speaker, Chris Sullivan who will be followed by Christine  
21 W-A-N-E-R-K-A or W-A-N-E-R-L-L-A, I'm not sure.

22 MR. CHRIS SULLIVAN: Hi. My name is Chris  
23 Sullivan. I'm a member of Branford's Conservation and  
24 Environment Commission and I'm opposed to the pipeline

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1 project.

2                   The Islander East pipeline proposal is  
3 inherently flawed and I'm strongly opposed to the  
4 continuation of the project and request you, the Army  
5 Corps, to deny the permits requires for sections of the  
6 Rivers and Harbors Act and the Clean Water Act. The  
7 largest concern I have of this proposal is the strong  
8 likelihood of negative impacts on the local Harbor and  
9 Gray Seal populations. These animals inhabit the area and  
10 on and around the Thimble Islands at various times  
11 throughout the year with individuals remaining all year  
12 long. A recent March 2003 survey documented 44 seals off  
13 of Outer Island.

14                   Both Harbor and Gray Seals are protected  
15 under the Marine Mammal Protection Act. This Act  
16 established a moratorium on taking and importation of  
17 marine mammals. Within the Act taking is defined as, to  
18 harass, hunt, capture, kill or attempt to harass, hunt,  
19 capture or kill. This Act also defines two types of  
20 harassment. Type B is the most important in terms of  
21 relevance toward the Islander East proposal. This type of  
22 harassment is defined as having potential to disturb a  
23 marine mammal in the wild by causing disruption of  
24 behavioral patterns, including but not limited to

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1 migration, breeding, feeding and sheltering. The key to  
2 this passage is having the potential to disturb.

3 Since seals are relatively shy creatures  
4 and are easily disturbed I believe that the noise from the  
5 drilling and other pipeline related activities will result  
6 in many seals leaving the area. Not only will this be a  
7 problem ecologically, but economically as well. There is a  
8 company in Branford that runs tours specifically to see  
9 the seals. If there are no seals, there are no tours  
10 resulting in less tourist money into our local economy.

11 In a recent letter from the DEP the Thimble  
12 Islanders were recognized as one of our four primary seal  
13 haul out sights in Connecticut. This fact is cited from  
14 the Norwalk Aquarium and I will be submitting some photos of  
15 these seals with my written comments.

16 With the Thimbles being recognized as a  
17 primary haul out site it seems to refute the findings in  
18 the FEIS from National Marine Fishery Service that the  
19 majority of the seals in Long Island Sound are found in  
20 other areas near concentrations of anadromous fishes.  
21 With several large freshwater streams and rivers in the  
22 local area I would also expect to find several of these  
23 fish species in waters off Branford at various times  
24 during the year. In fact, a recent fish ladder viability

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1 survey discovered evidence of alewife and herring at the  
2 base of the Supply Pond Dam here in Branford. Both of  
3 these types of fish are anadromous and potential food  
4 sources for the seals.

5 And I see my red light is up, so I'll just  
6 submit the rest in writing.

7 MODERATOR ROSENBERG: Thank you, sir. Next  
8 speaker, could you please pronounce and spell your last  
9 name please?

10 MS. CHRISTINE WANERKA: Sure.

11 MODERATOR ROSENBERG: Who will be followed  
12 by Jonathan Walters.

13 MS. WANERKA: It's Christine Wanerka, and  
14 I'm speaking for the League of Women Voters of East Shore.  
15 I'm Chairman of the Branford Unit.

16 I wish only to reiterate the position that  
17 we have taken for the past almost nine months now and that  
18 is as follows. Since the proposed Islander East Pipeline  
19 would contradict the majority of our positions we must  
20 oppose it. I have submitted a summary of these positions  
21 as it has been printed in the local papers to the  
22 recorder.

23 MODERATOR ROSENBERG: Thank you ma'am.  
24 Next speaker, Anthony DaRos who will be followed by

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1 Jonathan Walters.

2 MR. ANTHONY DaROS: Good evening and  
3 welcome to Branford. I'm the First Selectman of the town  
4 of Branford, Anthony DaRos. I live at 27 Watrous Avenue.

5 As you know, this is one of many public  
6 meetings we've had. The first was two years ago last week  
7 when I called a special meeting of the Board of Selectmen  
8 to provide the public with its first real chance to obtain  
9 information from Duke Energy's representatives. That was  
10 necessary because the public information session that Duke  
11 held several weeks earlier was an insult. They provided  
12 no substantive information and misrepresented themselves.

13 More than two years later nothing's  
14 changed. You were copied too on the DEP Commissioner  
15 Rocque's letter last week denying the CZMP consistency  
16 certification. Not only did that letter deny  
17 certification, but it reached the same conclusion that the  
18 town's Blue Ribbon Committee reached in October 2001. That  
19 the application is incomplete and insufficient. Nothing  
20 has changed, regardless of how many times it's been  
21 modified.

22 It's been like this from the beginning.  
23 The minutes from our Selectmen's meeting reflect that Duke  
24 was unable, perhaps unwilling, to answer even basic

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1 questions such as the amount of the bond they would post,  
2 what they plan to do if the underwater drilling didn't  
3 work, or even what kind of certificate they were asking of  
4 FERC in the application.

5 The same theme prevailed throughout the  
6 hearings by the town's Blue Ribbon Committee. If you  
7 haven't read that report I will be submitting this copy  
8 for your record. After five nights of testimony and  
9 hundreds of hours of review and study the Committee  
10 reported that Duke's plans were unable to meet even our  
11 local building, zoning and environmental compliance  
12 standards, mainly because there wasn't enough information  
13 in the application. We weren't looking for quantity, but  
14 quality, and found none. If you would like the  
15 transcripts from those hearings I would gladly provide  
16 them for you.

17 Branford does not have the financial  
18 resources that Duke and Keyspan have. We can't hire  
19 lobbyists and others to mount a campaign against them.  
20 They have spent more than \$25,000,000 so far. We've spent  
21 tens of thousands of hours of volunteers' time and energy  
22 studying these issues. But we're realistic and know that  
23 we can't match Duke's money and influence and that the  
24 playing field is not level.

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1                   So the issue becomes, and this is the  
2                   issue, who acts for the public trust? Certainly not Duke  
3                   Energy or Keyspan. Their sole objective is to make as  
4                   much money as possible no matter what the environmental or  
5                   economic cost. That's why they even refuse to consider  
6                   any alternative routes, even though they'd be less  
7                   environmentally damaging.

8                   In each of the previous public hearings  
9                   dozens of citizens made public statements. You can expect  
10                  that again tonight. Throughout all these hearings I  
11                  cannot recall a single voice that supported this plan.  
12                  Tonight may be different.

13                  Duke and Keyspan have worked hard to  
14                  ingrate themselves with the business community. Have paid  
15                  tens of thousands of dollars to a variety of newspapers  
16                  for their ink and even conducted a sham telephone survey  
17                  last month. So don't be surprised if you hear someone say  
18                  that they think the pipeline folks have all the right  
19                  answers. Just know that it's the first time such  
20                  statements are being made and are not based on any  
21                  objective analysis of the plan.

22                  And again, I want to thank you.

23                  MODERATOR ROSENBERG: Thank you sir. Next  
24                  speaker, Jonathan Walters who will be followed by John

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1 Smith. Once again, if you have lengthy written statements  
2 please summarize it to a two-minute limitation. An  
3 additional stenographer is available in the registration  
4 area with no time restrictions.

5 MR. JONATHAN WATERS: I'm Jonathan Waters.

6 I represent RTM Second District, Stony Creek. I'm also  
7 an oyster farmer from Stony Creek. I wish to read to you  
8 an excerpt from a paper published August 1<sup>st</sup>, 2003 an  
9 article in the Meriden Connecticut Record Journal. It's  
10 attributed to Mr. John Sheriden of Duke Energy and  
11 Islander East.

12 Sheriden asserts that the construction of  
13 the pipeline will not have long-term impact on shellfish.

14 The pipeline will be installed 100 feet below the seabed,  
15 a process that will minimize impact to shellfish beds and  
16 other environmentally sensitive areas. Any impact will be  
17 short term he said. Other activities including the  
18 methods fishermen use to dredge clam beds cause more  
19 destruction for longer periods of time.

20 Sheriden also took exception to the DEP's  
21 assertion that the plan would harm oysterism in the Sound.

22 There are no oysters in the Sound, Sheriden said.  
23 Islander East has scanned the seabed with a robot and it's  
24 found no oysters.



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1 Well, this afternoon I harvested this  
2 beauty, along with a few of his or her brothers and  
3 sisters from Lot 168. That's within the pipeline corridor  
4 and it's within 100 feet of the proposed pipeline. I'd  
5 also like to point out that shellfishing activity is a  
6 historically water dependent use. Islander East Pipeline  
7 is not. Thank you.

8 MODERATOR ROSENBERG: Thank you sir. Next  
9 speaker is John Smith who will be followed by Dr. Lance  
10 Stewart.

11 MR. JOHN SMITH: Thank you. I want to  
12 welcome the Corps here to our small town of Branford. My  
13 name is John Smith and I live at 104 Shore Drive in Short  
14 Beach, which is a complete opposite side of where this  
15 pipeline is going to be going into. I'm the majority  
16 leader of the RTM, which is the Representative Town  
17 Meeting, which is our form of government, selected to the  
18 RTM. There's 30 members that are elected from the  
19 district. And we're unanimously opposed to this pipeline.

20 Over the last two years we have seen no  
21 economic, social, or political, or environmental benefit  
22 from this proposed pipeline and the gas transmission. You  
23 will not help economically but on short-term through job  
24 creation for pipe fitters and that type of thing. It has

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1 no long-term job creation, which is needed across the  
2 whole country, but in our town right now.

3 It environmentally impacts on lands that  
4 the RTM and the Branford Land Trust have worked over the  
5 course of 40 years to preserve as a natural habitat for  
6 people for walking and passive type of recreation. It  
7 will impact also because it's going to run along a  
8 railroad track that has houses that abut it and schools  
9 that abut it, which present a 24-inch pipe full of gas a  
10 potential for tremendous hazard.

11 But more importantly, or almost importantly  
12 it ends up going into Stony Creek and the Thimble Islands.

13 And that is really -- the water is what the majority of  
14 the people of Branford are here for. It's part of the  
15 socioeconomic climate, the ambiance of the town, and that  
16 will impact. Jonathan Waters is one of our guys that  
17 stills works down there and makes money claming off of  
18 that.

19 And you've heard from our friends in  
20 Stratford who have been here and have seen the results for  
21 10 years and it's been a negative effect, extremely  
22 negative effect. So I want to welcome you to our town. I  
23 want to welcome you to our renovated high school, which  
24 comes from our hard-earned tax dollars. And as members of

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1 the government and representatives of the Corps, I hope  
2 that you would listen to the small people, the people in  
3 this town and the impact this proposed pipeline would have  
4 and do the right thing. Do the thing that says this is  
5 not an appropriate time. It doesn't justify it  
6 economically from the needs of gas on Long Island Sound  
7 and most certainly has a tremendous potential of impacting  
8 our environment and the way of life that we have here.

9 And I thank you for your time.

10 MODERATOR ROSENBERG: Thank you sir. Next  
11 speaker, Dr. Lance Stewart followed by Richard Shanahan.

12 DR. LANCE STEWART: Yes. I'd like to thank  
13 the Corps of Engineers for entertaining comments. And I  
14 will reiterate a view that I've made at hearings in the  
15 past before FERC and also the public hearings here, that  
16 I'll give you my perspective.

17 I'm a marine biologist with the University  
18 of Connecticut. For 35 years I've spent countless hours  
19 on the water diving in habitats, doing research on  
20 lobster, (indiscernible) Management Program for 15 years.  
21 Part of the perspectives I see is a lack of attention by  
22 the Applicant to really address marine biological issues.  
23 Species that have been sited are erroneous or the  
24 predominant ones have been ignored.

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1                   Other issues are the extreme importance of  
2     habitat. I've served with Senator Gunther on the United  
3     States Marine Fisheries Commission for the last eight  
4     years. I co-chair the Habitat Committee for that state  
5     representative body from Maine to Florida. Essential fish  
6     habitat is part of the Magnuson Act Mandate, not  
7     considered here at all. Habitat locations for lobsters  
8     that are known to be clustered in environments through the  
9     25-mile route haven't even been pre-reconnaissanced at  
10    all.

11                  The other important issue that we bring up  
12    scientifically several times over the last two years is  
13    that very little is known about trench ecology. That pit  
14    in the ocean floor that entrains animals, larvae. All the  
15    animal cycles that renew the bountiful species that we  
16    have as adults have to start with larval benthic  
17    environments and the entrainment, entrapment, the anoxic  
18    conditions that could occur in trench environments have  
19    not been investigated. Even in many of the pre-approved  
20    projects that have already occurred, like the HUB Line.  
21    Essential research has to be done in this arena.

22                  And I would just offer a word suggestion  
23    that you take the vigilance that you did with the dredge  
24    material projects that were of National defense and apply

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1 the same measure or standard of oversight to this project,  
2 or any of the future ones. We know there are about 10  
3 proposed, not just this one. So we have a lot of work to  
4 do to understand the issues that they will have on our  
5 environment. Thank you.

6 MODERATOR ROSENBERG: Thank you sir. Next  
7 speaker, Richard Shanahan followed by Cinda Cash from  
8 Stony Creek.

9 MR. RICHARD SHANAHAN: My name is Richard  
10 Shanahan. I'm here to tonight to speak as Vice President  
11 for the Branford Land Trust. I'm also speaking on behalf  
12 of Joan Marek, who is President of the Land Trust who  
13 could not make it here tonight.

14 The Branford Land Trust is a totally  
15 volunteer non-profit organization supported by the  
16 citizens and businesses of Branford. Land is entrusted to  
17 the Land Trust with the expectations that it will be  
18 protected as open space for the benefit of future  
19 generations.

20 With a population density of over 1,300  
21 people per square mile the true value of our properties  
22 are impossible to calculate. They protect the air and  
23 water quality of our community as well as Long Island  
24 Sound. They provide habitat for wildlife and fauna. They

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1 provide for recreation. They provide buffers between  
2 commercial, industrial, and residential areas. As the few  
3 remaining parcels of private land are being developed, the  
4 value of these protected properties increase.

5 Unfortunately, Islander East is looking at  
6 these protected properties only in a purely economic sense  
7 as, quote, unquote, unimproved land and ignores many of  
8 the intangible values. As a result, it is very ironic  
9 that the very properties that the residents of Branford  
10 have worked so hard to acquire and protect over the years,  
11 have now become prime targets for utility right of ways  
12 and eminent domain proceedings because they are the  
13 cheapest to acquire and develop and thus maximize the  
14 profits for these companies.

15 The only reason we're here tonight is  
16 because Islander East is attempting to maximize profits  
17 for their parent company and shareholders. They do not  
18 care for the residents or businesses of Long Island  
19 anymore than they care for the residents of Branford. I  
20 can say this with conviction because there are indeed  
21 other environmentally less damaging alternatives to this  
22 proposal.

23 Our properties have been placed in trust.  
24 Development of these properties in any manner, but

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1 especially for private economic gain, is a violation of  
2 that trust. Speaking on behalf of the Branford Land  
3 Trust, we are adamantly opposed to this project.

4 MODERATOR ROSENBERG: Thank you sir. Next  
5 speaker, Cinda -- is that correct? Cash?

6 MS. CINDA CASH: Yes.

7 MODERATOR ROSENBERG: To be followed by  
8 Stephen Dudley. Ma'am?

9 MS. CASH: Hi. My name is Cinda Cash and I  
10 live at 33 Buena Vista Road in Stony Creek and I'm a  
11 Second District Representative to the RTM.

12 The proposed pipeline hits the families in  
13 the Second District very hard and that's why I'm here  
14 today to speak out against this proposal. The proposed  
15 pipeline benefits no one in Branford. Furthermore, it is  
16 potentially dangerous to our citizens and our children.  
17 This is not one of those, not in my backyard issues, this  
18 is an environment and public safety issue. And I submit  
19 to you it's also a political issue.

20 Connecticut's DEP denied Islander East  
21 approval to move forward with their plan. Then Islander  
22 East came back again after dealing with the Federal  
23 government and they were denied again by Connecticut's  
24 DEP. The file was closed. But they're back again. They

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1 simply will not take no for an answer. Why? Because they  
2 feel they have the backing of a Federal administration  
3 that is pro big business and anti community. They need  
4 this project to help grow their company for profit.

5                   Islander East and it's parent companies are  
6 part of a very large U.S. corporate energy lobbying  
7 industry at the Federal level. There is no doubt that  
8 this attack on our adored Branford and Long Island Sound  
9 will continue for some time. We will be bold, strategic  
10 and continue to be focused on ending this terrible attack  
11 on our community.

12                   As RTM members we will help lead the fight  
13 against this big business taking over our community. We  
14 must stand firm and as a community we will. Thank you.

15                   MODERATOR ROSENBERG: Thank you ma'am. The  
16 next speaker, Stephen Dudley followed by Kyle Nelson.

17                   MR. STEPHEN DUDLEY: Good evening. My name  
18 is Stephen Dudley. I'm the Town Engineer for the town of  
19 Branford and have served in capacity for 17 years. I'm  
20 also a licensed professional engineer and land surveyor in  
21 the State of Connecticut.

22                   Two years ago the town of Branford held  
23 public hearings and meetings concerning the Islander East  
24 Pipeline proposal. At those public hearings I raised



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1 several issues concerning the lack of information on  
2 specifics of construction, pipeline route, impacts on town  
3 facilities and utilities, as well as environmental  
4 safeguards. To date my office has not been contacted by  
5 Islander East to provide any additional information to  
6 address these concerns. We remain concerned that these  
7 important issues will not be addressed.

8                   The Applicant's lack of action and  
9 unwillingness to provide the information to the town is  
10 even more troubling now than it was two years ago. After  
11 over 30 years in the civil engineering profession it is  
12 beyond my comprehension how a project of this magnitude  
13 can proceed to this point on minimal and at best schematic  
14 plans. Standard engineering procedure is to prepare far  
15 more detailed plans and investigations than have been  
16 disclosed by Islander East. These should before all  
17 levels of government for review and comment. The  
18 statements by Islander East that they will address any  
19 questions in the future are unacceptable. The answers  
20 should be here now.

21                   In closing, I ask the same question that I  
22 posed two years ago and which remains unanswered. What  
23 mechanism exists, or can exist that will assure that the  
24 issues raised now and in the future are addressed to the

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1 town's satisfaction as the design is refined and  
2 construction undertaken? The protection of Branford's  
3 infrastructure and environmental resources rests upon the  
4 process utilized to answer that question.

5 And beyond my professional capacity, as an  
6 individual I'm completely opposed to this project. Thank  
7 you.

8 MODERATOR ROSENBERG: Thank you sir. Next  
9 speaker, Kyle Nelson followed by Anne Fortunato.

10 MR. KYLE NELSON: Good evening. My name is  
11 Kyle Nelson. I'm a lifelong resident of Branford, the 4<sup>th</sup>  
12 District RTM Representative here in town, Vice Chairman of  
13 the Branford Republican Town Committee, member of the Blue  
14 Ribbon Commission and past Chairman of the Branford  
15 Shellfish Commission.

16 I'm here tonight to raise my opposition to  
17 this pipeline project on behalf of all of the above. The  
18 negative impacts of this pipeline on wildlife, fish,  
19 shellfish in Branford leads to one simple conclusion. Not  
20 in Branford. The Island East Project will damage and  
21 destroy limited valuable shellfish resources. The damage  
22 to these grounds has been supported in the July 29<sup>th</sup>  
23 decision by our own Connecticut Department of  
24 Environmental Protection, the details of which obviously

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1       you'll be receiving a copy of, but I want to highlight a  
2       couple of things.

3                       Specifically in their findings and in the  
4       Blue Ribbon Commission's findings, the impact to shellfish  
5       beds along the grounds in Branford total about five acres  
6       being permanently altered or rendered unsuitable for  
7       commercial shellfishing because of the cobble would  
8       interfere in harvest technologies. And one of our  
9       shellfishmen already referred to that cobble as really not  
10      being amenable to replantation.

11                      Yet Islander East says, we're going to make  
12      it better. The fact is, Islander East has not provided a  
13      viable means to rectify the damage their pipeline will do  
14      to our shellfish beds. These are a valuable resource in  
15      the town of Branford. The town is leasing these  
16      properties to commercial entities to offset revenues that  
17      aren't coming back from the Federal government and the  
18      State. And these revenues are in jeopardy, which means  
19      that our taxes as well as our cost of living will also be  
20      impacted by this project, let alone the environmental  
21      impacts that occur.

22                      As residents of Connecticut we do have an  
23      obligation to participate in the regional grid of  
24      development of energy, but at the same time we shouldn't

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1 have to do it at a valuable environmental resource  
2 jeopardy. I encourage you to look at this application,  
3 review it thoroughly and come to one conclusion that not  
4 in Branford is the only answer. Thank you very much.

5 MODERATOR ROSENBERG: Thank you sir. Next  
6 speaker Anne Fortunato followed by Becky Mars.

7 MS. ANNE FORTUNATO: I'm Anne Fortunato,  
8 108 Cedar Knolls Drive and I've been asked to read this  
9 email that was sent to the Stop the Pipeline web site.

10 "I was surprised to learn that a pipeline  
11 across Long Island Sound was depending on gas all the way  
12 from where I live in Nova Scotia, Canada. As someone  
13 interested in renewable energy and the environment I  
14 followed the natural gas exploration around Sable Island  
15 in Nova Scotia. I'm surprised because all we here where I  
16 live is there isn't enough Sable Gas to meet our own needs  
17 and continue what we already export in a pipeline to Maine  
18 and New Hampshire.

19 Why? Because Shell Canada downgraded it's  
20 Sable Gas reserves. Shell says, new finds around the  
21 Sable Offshore Energy project will be needed to keep the  
22 present production level of about 530,000,000 cubic feet a  
23 day flowing to existing customers on the Maritimes and  
24 Northeast Pipeline.

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1 Shell is partners with the Sable Offshore  
2 Energy Project, which includes Mobil and Exxon. Shell  
3 says gas production levels from the Sable Project are down  
4 11.5 percent in the first half of 2003. The Sable  
5 reserves are more uncertain than originally thought. They  
6 will take more work and more money to keep production up  
7 at the 500,000,000 cubic feet per day range over the next  
8 five to six years. Even if additional Scotian Shelf  
9 discoveries are made in the Sable area, they will only  
10 help to stretch the existing production levels beyond five  
11 to six years.

12 Canada's National Energy Board even held a  
13 hearing this spring into this serious lack of gas in New  
14 Brunswick after the government there became concerned.  
15 Shell twice has reduced its estimate of the total Sable  
16 reserves bringing the number down from 3.6 trillion cubic  
17 feet to 2.3 trillion cubic feet. A new gas line called  
18 Deep Panuke is now stalled while the oil companies look  
19 for more gas. Even if it was developed it would only  
20 provide 750 billion cubic feet of gas."

21 I'm going to skip down to, "If I read your  
22 newspaper right, the people of Long Island and Connecticut  
23 were better informed, they would be asking the Army Corps  
24 of Engineers and your FERC some important questions like,

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1 Why are Duke Pipeline and Keyspan Electricity seeking  
2 approval to build a Long Island Sound pipeline, and a Long  
3 Island generation plant depending on a new Nova Scotia Gas  
4 supply that is not even discovered and proven up yet? And  
5 what's more, do they know even if a large new gas  
6 discovery is made, it would be used to ensure the existing  
7 flow rates from the existing Sable Project to existing  
8 customers? I would think the National Energy Board of  
9 Canada, which is the same as your Federal Energy  
10 Regulatory Commission, would insist that the existing  
11 customers of Sable Gas who get deliveries from the  
12 Maritimes and Northeast Pipeline are served first by any  
13 new gas discovery.

14 And even if a total of another two trillion  
15 cubic feet is discovered off Nova Scotia it would take at  
16 least five years to get it to Connecticut. That's how  
17 long it takes from discovery to get the government  
18 approval and to construct offshore production facilities  
19 and new enlarged offshore and onshore pipelines to carry  
20 it all the way from Canada to Connecticut. Is that 2008  
21 or 2009 from today?

22 So unfortunately, while we in Canada would  
23 like to help our good U.S. neighbors, it's a mystery to me  
24 how we can do it with Sable Gas for quite sometime.

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1 MODERATOR ROSENBERG: Thank you ma'am.  
2 Thank you very much. Next speaker, Becky Mars who will be  
3 followed by Sherry Peterson. We've just received the sign  
4 from the stenographer we need to take a break. If Ms.  
5 Peterson -- thank you. Ma'am?

6 MS. BECKY MARS: Hello. I'm Becky Mars.  
7 For two years now I have been an intervenor in the  
8 Islander East Pipeline and FERC at the Connecticut Siting  
9 levels. I have read every word of the Islander East  
10 application and correspondence between intervenors and  
11 interested parties. I have watched the regulatory process  
12 for certifying cables and pipelines in the Northeast and  
13 have seen various stages both implementation and  
14 abandonment of the Cross Sound, HUB Line, Cross Bay and  
15 Millenniums.

16 I am certainly not an expert, but I see  
17 three overwhelmingly recurrent themes. Government  
18 regulatory agencies do not have the staff and resources to  
19 adequately deal with these enormous projects in a  
20 proactive way to avoid environmental impacts to our land  
21 and water.

22 Two, while energy companies purport to be  
23 environmentally sensitive it is counterintuitive to expect  
24 them to make less impacting decisions. In fact, most

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1 pipeline and cable applications are very broad and allow  
2 third party independent contractors to make major  
3 decisions about installation in the field.

4 Three, energy projects are often rubber  
5 stamped for approval prior to scientific data collection,  
6 data that would show how these very methodologies could  
7 fail or be more impacting than stated in their  
8 applications.

9 Duke Energy's HUB Line has a failed HDD, as  
10 you know, which has delayed this project for months. They  
11 have left trenches open this summer and while incurring  
12 fines from Massachusetts the damage is being done with no  
13 recourse or solutions. Clearly HDD data was not  
14 adequately assessed prior and open trenches during the  
15 summer were not included in the FEIS.

16 The Cross Sound Cable debacle rendered a  
17 cable useless even after damaging installation had been  
18 done. Fracouts occurred and bentonite spills amassed in  
19 our New Haven harbor. How much environmental damage do we  
20 need to incur to teach us that proactive scientific data  
21 and correct siting of these utility infrastructures are  
22 essential?

23 The Islander East project is headed in the  
24 same direction. For example, FERC very specifically



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1 requested offshore borings to determine soil compatibility  
2 and success for the HDD. IE said they would submit data  
3 at a later date, but never did complete the testing. FERC  
4 gave IE their certification without even re-requesting  
5 this crucial information.

6 MODERATOR ROSENBERG: Time is up.

7 MS. MARS: Oh, I'm sorry.

8 MODERATOR ROSENBERG: Would you please  
9 submit the entire statement for record?

10 MS. MARS: Okay.

11 MODERATOR ROSENBERG: Our next speaker is  
12 Sherry Peterson following that we will go to a break.

13 MS. SHERRY PETERSON: Good evening. My  
14 name is Sherry Peterson, 282 Pine Orchard Road, Branford,  
15 Connecticut. I'm speaking as a representative for the  
16 Pine Orchard Association, a letter that was submitted by  
17 Jennifer Aniskovich, the President of that association,  
18 and if time allows, my own comments.

19 "On behalf of the Pine Orchard Association  
20 I urge you to reject the proposal by Islander East to  
21 construct a pipeline through Branford. As proposed, the  
22 pipeline will cut through three protected Land Trust  
23 properties, disrupt protected wetlands, deplete available  
24 open space and drastically change the nature of a number

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1 of residential communities.

2 Pine Orchard, a 100-year-old shoreline  
3 community, would be particularly devastated by the  
4 pipeline. Through our local association, the residents of  
5 Pine Orchard have worked hard over the past century to  
6 preserve the beauty, safety and ecological balance of our  
7 community. We are sensitive to preserving Long Island  
8 Sound, protecting wetlands and making sure that Pine  
9 Orchard is a healthy, safe and inviting community for  
10 future generations.

11 As proposed, the pipeline would negatively  
12 impact many unique and vulnerable areas in Pine Orchard.  
13 It would cross beneath Route 146, a state-designated  
14 scenic highway. It would cut through the residential  
15 neighborhoods of Pleasant Point and Juniper Point,  
16 creating a permanent hazard for generations of children  
17 who will be raised here. It would continue into the Sound  
18 at one of our most ecologically sensitive points, just off  
19 the coast of Pine Orchard, where shellfish are numerous  
20 and the ecological balance is at risk. The pipeline would  
21 cut through the land that is protected by the local Land  
22 Trust and wreak havoc on the wetlands.

23 We believe that the impact on Pine Orchard  
24 would be greatly disproportionate to any value the

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1 pipeline might bring. We also believe that there are  
2 other viable options for locating the pipeline in such a  
3 way that human and ecological damage could be minimized.  
4 Accordingly, the Pine Orchard Association executive  
5 Committee, the governing board of the Association, has  
6 adopted the following resolution in opposition to the  
7 Islander East Pipeline.

8                   The Pine Orchard Association is strongly  
9 opposed to the Islander East Pipeline proposal to build a  
10 new 24-inch diameter pipeline from an existing gas  
11 transmission facility in North Haven through portions of  
12 Branford. We believe the pipeline would impact protected  
13 wetlands, take over open space, threaten the ecological  
14 balance in our shoreline community, disrupt residential  
15 neighborhoods and devalue the land in Pine Orchard. We  
16 hereby urge the United States Army Corps of Engineers to  
17 reject this proposal.

18                   Sincerely, Jennifer Aniskovich, President,  
19 Pine Orchard Association."

20                   MODERATOR ROSENBERG: Thank you ma'am.  
21 Ladies and gentlemen, we will take a break now. As a  
22 reminder, once again the stenographer will be available to  
23 take your comments during the break without time limits.  
24 Members of the media need to check in with Tim Dugan

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1 (phonetic). If you wish to find out where you are in the  
2 cue, please give your names to Sally Rigione at the  
3 registration table and she will have that information for  
4 you prior to reconvening at approximately 10 after 9:00.

5 (Off the record)

6 MODERATOR ROSENBERG: The first speaker,  
7 Jim Rutushni, will be followed by Frank Kinney.

8 MR. JIM RUTUSHNI: Good evening. My name  
9 is Jim Rutushni. I represent the Shellfish Commission of  
10 Branford, Connecticut. And I live on 39 Lanphier Road in  
11 Branford, Connecticut.

12 "I am writing you to represent the views of  
13 the Branford Shellfish Commission regarding the Islander  
14 Pipeline East. We the Shellfish Commission, would like  
15 the U.S. Army Corps of Engineers to deny Islander East  
16 their permit under Section 404 of the Clean Water Act.

17 Furthermore, we entirely agree with DEP's  
18 decision on July 29<sup>th</sup> on the Federal coastal consistency --  
19 on the Coastal Zoning Management Act. We the Shellfish  
20 Commission believe that the Islander Pipeline East would  
21 significantly and adversely harm both designated and  
22 undesignated shellfish beds in the Branford shellfish  
23 grounds.

24 Designated beds would be harmed by the

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1 effects of the sediment from the construction.  
2 Undesignated beds, through which the pipeline is proposed  
3 to pass directly through would irrevocably degrade and  
4 destroy these beds.

5 Clearly the shellfish grounds offer  
6 valuable economic use for local fishermen with potential  
7 revenues for the Town of Branford. Shellfishing in the  
8 water -- the shellfishing is a water-dependent use from  
9 this area and we'd like to keep it that way. The DEP  
10 Commissioner, Arthur Rocque, and his denial based on a  
11 consistency to Islander East, the Islander East Pipeline  
12 is a non-water-dependent use of this area and should never  
13 be permitted to supersede the shellfishing in the area.

14 So we the Shellfish Commission request that  
15 the permit for the Islander East be denied. And thank you  
16 for your time."

17 MODERATOR ROSENBERG: Thank you sir. Next  
18 speaker, Frank Kinney will be followed by Gina R-I-V-E-Z-  
19 Z-I.

20 MR. FRANK KINNEY: My name is Frank Kinney.  
21 I'm a resident of Branford. I live at 42 Bradley Avenue.

22 I'm here tonight to state my opposition to  
23 the Islander East Pipeline, which will run through  
24 Branford. I agree with the denial by Connecticut DEP

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1 Commissioner, Arthur Rocque that Islander East Pipeline  
2 would cause significant adverse impact to coastal  
3 resources and water-dependent uses. He also stated that  
4 the project's route would go through environmentally  
5 sensitive areas.

6 I want to thank the Connecticut DEP for  
7 maintaining a pro-environment and pro-community position  
8 on this issue. I would suggest that the Army Corps of  
9 Engineers suggest to Islander East that they look closely  
10 at the Connecticut DEP denial and find an alternate route  
11 that would be environmentally sound.

12 We heard a lot of comments here tonight,  
13 all of which I agree with, and I think we're probably  
14 going to hear a lot more along the same lines. And  
15 without being too redundant, my issues basically three  
16 issues, regarding safety, the environment and the damage  
17 that's going to be caused by this pipeline to our  
18 environment and the need. I don't see where the need for  
19 this pipeline meets the standard that is required by the -  
20 - your regulations in order to get it's approval. In my  
21 opinion, the pipeline is purely a company looking for  
22 super profits and thus fails to take Branford and other  
23 town residents and businesses into consideration.

24 I really truly believe that your denial

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1 would be in order. Again, I want to thank you for your  
2 attention to this matter in town.

3 MODERATOR ROSENBERG: Thank you sir. Next  
4 speaker, Gina R-I-V-E-Z-Z-I, okay? Followed by Timothy  
5 Brockett. Ma'am?

6 MS. GINA RIVEZZI: Hi. My name is Gina  
7 Rivezzi. I live at 77 Cedar Lake Road and own and operate  
8 a garden center at 1289 Foxon Road, Route 80, North  
9 Branford and I'm directly impacted. The pipeline runs  
10 directly through my property.

11 Since 1989 we have been effected in the  
12 area by contamination that originated in the 1970's. Last  
13 year's levels were in the 800's parts per million. Wells  
14 had to be abandoned on Cedar Lake Road. My business  
15 however is the most highly impacted. It's now 2003 and  
16 the State is still trying to figure out how to get potable  
17 water to the business. We cannot drink it.

18 My concern is that if blasting were to  
19 occur in order to penetrate the bedrock for pipe  
20 installation migration of the PEC plume would occur  
21 effecting the public water supply. It seems this issue  
22 has been ignored to prevent answering questions that do  
23 not have an outcome conducive to pipeline installation.  
24 The State DEP has 14 years of information. The area where

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1 the property is located is all rock ledge, it's across the  
2 street from the Tilcon Quarry at our site.

3 Our family has been farming the area for  
4 over 100 years and we know the area like the back of our  
5 hands. We still do not have potable water and PCE is a  
6 known carcinogen. We've lived this nightmare for 14  
7 years. The problem is not correctable, it's been proven.

8 We're located in the public watershed area and the  
9 contamination travels through the aquifers too sporadic to  
10 even to determine. If this pipeline is allowed to  
11 proceed, how many other will be without water? I know in  
12 our case, 14 years is much, much too long.

13 I plead with the Corps to deny the Islander  
14 East's permit and protect the residents' water supply.  
15 Thank you for your time.

16 MODERATOR ROSENBERG: Thank you ma'am. The  
17 next speaker, Timothy Brockett followed by Peter Brainerd.

18 MR. TIMOTHY BROCKETT: Good evening. My  
19 name is Timothy Brockett and I'm a lifelong resident of  
20 Branford. I come before you tonight speaking on behalf of  
21 a rapidly growing group of people, who believe that the  
22 Islander East Pipeline proposal holds many benefits for  
23 the citizens of Branford and is an opportunity to help our  
24 neighbors while strengthening our community. Our group,



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1 BranfordPipeline.com, has studied the Islander East  
2 proposal, walked the route of the pipeline in Branford,  
3 met with Islander East officials and listened to the  
4 pipeline critics. You may see what we learned by visiting  
5 our web site at BranfordPipeline.com.

6 We are concerned about the effects the  
7 Islander East Pipeline would have on the abundant natural  
8 beauty of Branford and the kind, considerate and  
9 thoughtful individuals and organizations that our town is  
10 equally blessed with. We seek a solution that would  
11 preserve and enhance the twin blessings of our community.

12 The proposed route through Branford would  
13 require 30 property owners to grant a permanent easement  
14 for the pipeline right of way to Islander East. At  
15 BranfordPipeline.com, we believe that the proposed  
16 pipeline offers an opportunity for the Branford Land Trust  
17 to extend their holdings and fulfill the latter half of  
18 their mission statement. Many of the property owners  
19 effected will only lose the use of a narrow ribbon of land  
20 that abuts the railroad right of way. With an Islander  
21 East compensation check in hand and the possibility of a  
22 tax deduction for a charitable contribution, the property  
23 owners might be quite responsive to donating their  
24 affected land and perhaps a little more, to the Branford

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1 Land Trust.

2 The Branford Land Trust could promote our  
3 community's appreciation of Branford's diverse natural  
4 features by working with other civic groups and our  
5 government to establish a four-mile long linear park and  
6 nature trail. A linear park would enhance the natural  
7 beauty of Branford and engage the kind, considerate and  
8 thoughtful individuals and organizations our town is  
9 equally blessed with.

10 MODERATOR ROSENBERG: Thank you sir. Thank  
11 you. Our next speaker, Peter -- I believe it says, B-R-A-  
12 I-N-E-R-O, is that correct?

13 MR. PETER BRAINERD: I'm Peter Brainerd, 15  
14 Squaw Brook Road, Stony Creek. My family has been in  
15 business in Stony Creek for the past 140 years and as  
16 President of the Stony Creek Association I represent the  
17 Executive Board of the Stony Creek Association and the  
18 village of Stony Creek.

19 Stony Creek is vehemently opposed to any  
20 proposal to place a pipeline under Long Island Sound.  
21 This proposal is particularly objectionable because of the  
22 highhanded manner in which it would devastate private  
23 property and Land Trust open space despoiling fragile  
24 wetlands and precious woodlands. It proposes to

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1 experiment with an untried diagonal bore under a major  
2 boat channel through Stony Creek granite and then disturb  
3 the bottom of the Sound across to Long Island. This  
4 totally unneeded desecration of the waters off the Thimble  
5 Islands will undoubtedly finish off the already tenuous  
6 fishing, lobstering and shellfishing in this area.

7 Make no mistake, this project is driven by  
8 corporate greed. This could be the ENRON of Long Island  
9 Sound. There are alternatives that will do very little  
10 damage to the environment. Islander East however, would  
11 not make as much money by utilizing the existing Iroquois  
12 Pipeline as they would by owning their own.

13 There's also considerable question whether  
14 there is a vast supply of gas available as initially  
15 thought. There is a question as to the actual demand and  
16 need for this gas on Long Island. However, there is no  
17 question that it would be bad for Connecticut, dreadful  
18 for North Branford and Branford, totally unacceptable for  
19 Pine Orchard and Stony Creek and a mortal blow to the  
20 Thimble Islands and Long Island Sound.

21 Thank you for this opportunity.

22 MODERATOR ROSENBERG: Thank you sir. Next  
23 speaker, David Carey, State of Connecticut, Director of  
24 Bureau of Aqua-culture and Department of Agriculture.

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1 MR. DAVID CAREY: It's Carey. Sorry. I  
2 came here tonight to speak on the marine construction  
3 portion of the pipeline. However, listening to some of  
4 the comments here, if there is a need for the pipeline, if  
5 that's determined, it has to go somewhere. And the Bureau  
6 of Aqua-culture we prefer it not be in the Sound or at  
7 least in areas where there's shellfish and of course,  
8 those in Branford and elsewhere know shellfish run almost  
9 predominantly west to east.

10 So what poses a question that possibly  
11 should be raised and looked at. The Iroquois line gives  
12 us an opportunity 10 years after Iroquois in the marine  
13 construction area there has not been success in the  
14 restoration and mediation attempts. And the area isn't  
15 available for commercial shellfishing. However, I believe  
16 if you were to look inland on the majority of the wetland  
17 crossing and restoration projects that were a part of the  
18 Iroquois project, if a statistical analysis was done you'd  
19 probably see that 10 years later that those projects were  
20 successful and that those wetlands may not be what they  
21 were pre-construction, but don't have the impacts that we  
22 see in the marine environment.

23 And if that is true, and it is  
24 statistically significant, that you can go through the

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1 wetlands in a narrow area, develop this pipeline you  
2 should be able to take a land route that crosses  
3 significantly more wetlands and achieve less impact on the  
4 Sound. And so I guess the charge would be that someone  
5 look at the Iroquois project and determine if that is  
6 correct. And if that is correct, the least environmental  
7 impact route would be a land route that would cross more  
8 wetlands, but that would be able to be restored within 10  
9 years and would not have the impact on the marine  
10 environment. Thank you.

11 MODERATOR ROSENBERG: Thank you sir. Next  
12 speaker Jared Cohane who will be followed by Barbara  
13 Gordon.

14 MR. JARED COHANE: My name is Jared Cohane.  
15 I'm an attorney from Eisenberg, Anderson, Michalik and  
16 Lynch in New Britain, Connecticut representing Tilcon,  
17 Inc. and the Branford Steam Railroad Company. I will  
18 submit this for the record, but I'm going to briefly  
19 summarize it for you.

20 "Tilcon, Inc. and the Branford Steam  
21 Railroad Company are affiliated companies. They are the  
22 owners and operators of a trap-rock quarry and a railroad  
23 system extending from Tilcon's rock quarry in North  
24 Branford southerly to Long Island Sound at Pine Orchard in

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1 Branford. The Branford Steam Railroad system and its  
2 rights of way were established to provide an economical  
3 and safe means of transporting Tilcon's stone to its Pine  
4 Orchard Marine Terminal transshipping facility.

5 The proposed route of a new 24-inch high-  
6 pressure natural gas pipeline uses the Railroad's property  
7 and right of way as a shortcut to Long Island Sound. The  
8 proposed pipeline enters the Sound from Tilcon's property  
9 at Juniper Point. The Applicant's plan is to bisect the  
10 navigational channel leading to and from Tilcon's Pine  
11 Orchard terminal with this pipeline.

12 My clients are concerned that the location  
13 of the pipeline next to the active railroad and across the  
14 channel will post significant operational problems for  
15 Tilcon and the Railroad. The placement of a high-pressure  
16 gas line adjacent to the busy Railroad and in the travel  
17 way of the barges and boats is a significant safety  
18 concern.

19 Tilcon maintains a marine terminal basin  
20 east of the loading facility where the barges are loaded  
21 with trap-rock for transport by sea. This navigation  
22 channel is approximation 80 feet wide and 1.5 miles long  
23 and extends out into the Sound. This channel is  
24 maintained and dredged on a regular basis to allow its use

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1 by our tugs and barges serving the Marine Terminal.

2 The dredging process requires -- the  
3 dredging machine, a floating platform to sink three large  
4 spuds down into the bottom of the Sound to make a stable  
5 work platform in the areas dredged. The Applicants are  
6 aware of Tilcon's marine activities and the ongoing need  
7 to dredge and maintain this basin and navigational  
8 channel. Unless the pipeline is located in the bedrock,  
9 below the Sound's bottom, it would be subject to the  
10 constant threat of rupture and damage from the ongoing  
11 dredge and barge operations.

12 So if you determine that it is appropriate  
13 that this project be permitted and this pipeline is to be  
14 installed across Tilcon's marine basin or navigational  
15 channel, it can only be located in the bedrock as  
16 represented by Islander East. The safety and welfare of  
17 Tilcon and it's neighbors permits no other alternative.  
18 Any permit should contain a condition that requires the  
19 installation of the pipeline 85 feet below the Sound's  
20 bottom. Thank you.

21 MODERATOR ROSENBERG: Thank you sir. Next  
22 speaker Barbara Gordon followed by Johan Varekamp.

23 MS. BARBARA GORDON: Good evening. My name  
24 is Barbara Gordon. I live in West Hartford, a landlocked

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1 community, so I can never be accused of being a NIMBY.

2 However, I'm thinking about moving down here.

3 I'm the Executive Director of the  
4 Connecticut Seafood Council and I also serve as  
5 coordinator of the Long Island Sound Action Coalition,  
6 which is a group of concerned Connecticut citizens who  
7 share a common goal, which is the protection of Long  
8 Island Sound. The fifth annual report of the Bureau of  
9 Labor Statistics of the State of Connecticut for the year  
10 ending November 30<sup>th</sup>, 1889 printed by order of the  
11 Legislature stated that, quote, "The fisheries of  
12 Connecticut are old and important." End quote.

13 In 2003 the fisheries of Connecticut are a  
14 little older, but no less important. In 1889, according  
15 to the report, the best fishing grounds included those in  
16 Long Island Sound. In 2003 that importance has not  
17 diminished. Long Island Sound still is home to a superior  
18 fishing industry.

19 Long Island Sound is a treasured source of  
20 both shellfish and fin fish. The Islander East Pipeline  
21 is an affront to an industry which depends economically on  
22 clean waters in which to fish and it is an affront to  
23 everything we hold dear environmentally. Plans for  
24 Islander East are a blatant violation of the intent of the



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1 public trust we have inherited from those who came before  
2 us. It is now our turn to watch over that trust.

3 Long Island Sound must not become a victim  
4 of corporate greed, self-serving untruths and scare  
5 tactics. The true fisherman does not want to be bought  
6 out or bought off. He or she is committed to the  
7 continuation of a difficult, but honorable life upon the  
8 Sound providing not only a livelihood, but a wonderful  
9 source of food and a future for generations of fishermen  
10 to come.

11 Please help us preserve Long Island Sound  
12 and our industry. Please deny the petition of Islander  
13 East. Thank you very much.

14 MODERATOR ROSENBERG: Thank you ma'am.  
15 Next speaker, Johan Varekamp followed by Larry Williams.

16 MR. JOHAN VAREKAMP: My name is Johan  
17 Varekamp and I'm from Durham, Connecticut and I'm not  
18 standing in front of you to voice my personal opposition,  
19 I'm standing here as a concerned scientist. I'm a  
20 professor of Earth and Environmental Sciences at Wesleyan  
21 University and my expertise is in contaminants burdens of  
22 Long Island Sound sediments and water quality issues in  
23 coastal salt marsh studies. I have read the Environmental  
24 Impact Statement and I'd like to make four points.

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1                   This is in addition to the many  
2       shortcomings that Arthur Rocque so excellently expressed  
3       in his letter of the last week. The first one is in the  
4       Environmental Impact Statement there's reference to  
5       contaminant study by Mecray and Buchholtz and Brink that  
6       was published in the Journal of Coastal Research. I was  
7       the reviewer of the paper, I was the editor of the  
8       Journal, I know his work extremely well. They refer to  
9       the contaminants of the upper two centimeters of the Sound  
10      sediment. The trench, as we all know, will be a lot  
11      deeper and many of the deeper sediments are much more  
12      contaminated than the surface sediments. So using the  
13      surface sediment layer as a reference is questionable.

14                  Second, the contaminants in the sediments  
15      are associated with the fine-grained material in sediment.

16      Once we roll off the sediment, we dredge it, we dispose  
17      it, it's a fine-grained material that will travel and be  
18      deposited over a large area. This fine-grained material,  
19      that's the stuff that carry the contaminants and has much  
20      higher contaminant levels than the bulk sediments. Using  
21      the bulk sediments are a reference, discretionary at best.

22                  A risk that is not discussed in detail in  
23      the impact statement is the potential occurrence of  
24      Harmful Algal Blooms during sediment disturbances. It's